HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION NO.20078 OF 2002

Between:

Kilari Pullaiah

. . .Petitioner

AND

Government of India and others

. . .Respondents

Counsel for the petitioner : Shri Srinivas Rao Bodduluri

Counsel for the respondent No.1 : Shri G.Shivaji
for Shri S.Srinivasa Varma

Counsel for the respondent Nos.2&3 : Government Pleader for
Revenue

Dated: 22nd August, 2006

: ORDER :

In this petition, the petitioner has prayed for quashing order dated 13.09.2000 vide which the Government India rejected his claim for pension on the ground that the enquiry report sent by District Collector, Khammam through the Government of Andhra Pradesh does not support his cause and no other evidence has been produced in the form of arrest warrant, Court's order etc., to show that he had participated in the freedom movement.

I have heard learned counsel for the parties and scrutinized the record.

In my opinion, it is not necessary to delve deep into the rival pleadings and decide the petitioner's challenge to order dated 13.09.2000 because learned Government Pleader for Revenue submitted that the petitioner's case will be referred to the committee constituted pursuant to G.O.Rt.No.1680 dated 02.08.2006 and the learned counsel representing the Government of India gave out that on receipt of fresh verification report from the Government of Andhra Pradesh, the competent authority will reconsider and decide afresh the petitioner's claim for grant of pension under the Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme') by being treated as a freedom fighter, who had taken part in Hyderabad Liberation Movement.

In view of the submission and statement made by the learned counsel for the respondents, the writ petition is disposed of with the

following directions:

(1) Within one month from today, the petitioner's case be referred to the committee constituted by the Government vide G.O.Rt.No.1680.

(2) Within next two months, the committee shall submit its report to the Secretary, Revenue, Government of Andhra Pradesh (Freedom Fighters Division) who shall send the same to Deputy Secretary, Government of India, Ministry of Home Affairs (Freedom Fighters Division).

(3) Within two months of the receipt of the communication from the Secretary, Revenue, Government of Andhra Pradesh, the concerned authority of the Government of India shall consider the petitioner's claim for grant of pension afresh and pass appropriate order.

(4) The decision taken by the competent authority of the Government of India shall be communicated to the petitioner by registered post at the end of two months period;

(5) If the petitioner is found eligible and held entitle to receive pension under the 1980 Scheme, then appropriate direction be given for release of pension in his favour.

G.S.SINGHVI, CJ

Date: 22.08.2006

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